
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Department of Correction)	
Commonwealth Massachusetts)	File No. EB-09-BS-0048
Licensee of Radio Station WNEK369)	
Sudbury, MA)	NOV No. V201032260002
)	
)	
)	

NOTICE OF VIOLATION

Released: April 27, 2010

By the District Director, Boston Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to the Department of Correction Commonwealth Massachusetts ("Department of Correction"), the licensee of radio station WNEK369 in Sudbury, Massachusetts.
2. On December 14, 2009, agents of the Commission's Boston Office monitored radio transmissions on the frequency 6651.25 MHz at Nobscot Mountain in Sudbury, Massachusetts and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part." Furthermore, 47 C.F.R. § 1.903(b) states: "[t]he holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization." The agents observed transmissions on the frequency 6651.25 MHz at Nobscot Mountain on December 14, 2009. Although the Department of Corrections previously was authorized to operate on the frequency 6651.25 MHz from Nobscot Mountain, the Commission removed that frequency from the Department of Correction's license on July 5, 2009 for failure to file the required build-out notification. The Department of Corrections is therefore operating on 6651.25 MHz without authorization.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, the Department of Correction must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the Department of Correction. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Boston Office
1 Batterymarch Park
Boston, MA 02169

4. This Notice shall be sent to the Department of Correction at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Dennis Loria
District Director
Boston Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*